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PATENT
Attorney Docket **056100-5039**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Wolf B. Frommer et al.**) Confirmation No. **4393**
)
Application No. **09/913,767**) Group Art Unit: **1638**
)
Filed: **January 10, 2002**) Examiner: **Ibrahim, M.A.**
)
For: **Nucleic Acids that Code for a Nucleobase**) Date: **August 15, 2006**
Transporter)

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

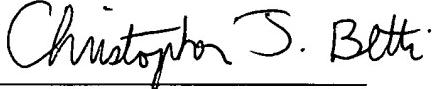
1. Further to the Notice of Appeal filed on July 12, 2006, transmitted herewith is a Supplemental Amendment and Response Under 37 C.F.R. 1.116 further in response to the final Office Action dated January 12, 2006 and the Advisory Action dated July 11, 2006.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicant does not believe an extension of time is required because a Notice of Appeal was filed on July 12, 2006 with provision for payment of an extension of time fee for one month. However, if the Applicant has overlooked the need for an extension of time, please consider this a petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	27	minus	34	0	\$50 each=	\$0.00
Independent Claims	2	minus	14	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
						Sub-total = \$0.00
						Reduction by ½ for filing by a small entity \$0.00
						Total Fee = \$0.00

4. **Constructive Petition:** Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 15, 2006**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
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Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



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PATENT
Our Reference No. 056100-5039

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Application No.: **09/913,767**) Group Art Unit: **1638**
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For: **NUCLEIC ACIDS THAT CODE FOR A**)
NUCLEOBASE TRANSPORTER)

SUPPLEMENTAL AMENDMENT AND RESPONSE UNDER 37 C.F.R. 1.116

Further to the Notice of Appeal filed July 12, 2006 and in response to the final Office Action dated, January 12, 2006 and the Advisory Action dated July 11, 2006, please consider the following amendments and remarks in the above-referenced application intended to place the application in condition for allowance or alternatively in better condition for appeal.

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.